

## Timetable for Lawyers Practicing in the United States District Court for the Southern District of Mississippi

This timetable states the time for each of the steps of a civil action as provided by the Federal Rules of Civil Procedure, the Federal Rules of Appellate Procedure, and the Uniform Local Rules of the United States District Courts for the Northern District and Southern Districts of Mississippi. Certain steps governed by statute are also listed. Usually the periods permitted for each of these steps may be enlarged by the court in its discretion. In some cases, no enlargement is permitted. Citations to supporting authorities are in the standard forms, e.g. FED.R.CIV.P. \_\_\_, FED. R. APP. P. \_\_\_ and UNIFORM LOC. R. \_\_\_.

### ADMISSIONS

Requests for admissions, service of	On any other party after parties have conferred pursuant to FED.R.CIV.P. 26(f). FED.R.CIV.P. 36(a)
Response to requested admissions	Within 30 days after service of request , or such shorter or longer time as court may allow or as parties may agree to in writing. FED.R.CIV.P. 36(a).

### ANSWER

To Complaint	<p>Within 20 days after service of summons and complaint unless otherwise prescribed by federal statute. FED.R.CIV.P. 12(a)(1)(A).</p> <p>Within 60 days after date request is sent for waiver of service of summons or within 90 days after that date if defendant was addressed outside any judicial district of the United States unless different time is prescribed by federal statute. FED.R.CIV.P. 12(a)(1)(B).</p> <p>Within 60 days after service upon United States Attorney in action against United States or any officer or agency thereof. FED.R.CIV. P. 12(a)</p> <p>Motions under FED.R.CIV.P. 12 alter time for responsive pleading. See <i>Responsive Pleadings</i>, this table.</p>
To Cross-Claim	<p>Within 20 days after being served with cross-claim. FED.R. CIV.P. 12(a)(2)</p> <p>60 days for United States. FED.R.CIV.P. 12(a)</p> <p>Motions under FED.R.CIV.P. 12 alter time for responsive pleading. See <i>Responsive Pleadings</i>, this table.</p>
To Third Party Complaint	<p>Reply due within 20 days after service of answer or, if reply is ordered by court, within 20 days after service of order. FED.R.CIV. P. 12(a)(2); 60 days for United States. FED.R.CIV.P. 12(a)(3).</p>
To Notice of Condemnation	<p>Within 20 days after service of notice. Fed.R.Civ.P. 71A(e).</p>

Removed Actions	20 days after receipt of pleading, or within 20 days after service of summons, or within 5 days after filing removal petition, whichever is longest. FED.R.CIV.P. 81(c).
Proceedings to cancel certificates of citizenship under 18 U.S.C. §1451	60 days after service of petition. FED.R.CIV.P. 81(a)(6)
<b>ANSWERS</b> (or objections) to interrogatories to party	Within 30 days after service of interrogatories. A shorter or longer time may be directed by the court or agreed to by the parties. FED.R.CIV.P. 33(b)(3).
<b>APPEAL</b> As of right	<p>30 days from entry of judgment or order; 60 days if United States (or officer or agency) is party. FED.R.APP.P. 4(a)(1).</p> <p>Court may extend filing deadline for excusable neglect or good cause shown by motion filed not later than 30 days after initial 30-day period. No extension may exceed 30 days past prescribed time or 10 days from the entry of order granting motion, whichever occur later. FED.R.APP.P. 4(a)(5).</p> <p>If timely motion listed below is filed, time for appeal for all parties runs from entry of dispositional order. FED.R.APP.P. 4(a)(4).</p> <p>Motion for judgment under FED.R.CIV.P. 50(b)</p> <p>Motion to amend or make additional findings of fact under FED.R.CIV.P. 52(b).</p> <p>Motion to alter or amend judgment under FED.R.CIV.P.59.</p> <p>Motion for attorneys' fees if time to appeal extended under FED.R.CIV.P. 58.</p> <p>Motion for new trial under FED.R.CIV.P. 59</p> <p>If filed within 10 days of entry of judgment, motion for relief under FED.R.CIV.P. 60.</p>
By permission under 28 U.S.C. § 1292(b) (interlocutory orders)	10 days after entry of order including statement that controlling question of law is involved and appealable under 28 U.S.C. §1292(b). FED.R. APP.P. 5(a)
Inmates	Notice of appeal is timely filed if deposited in institutions internal mail system on or before deadline. FED.R.APP.P. 4(c), 25(a)

Entry of judgment or order, notice of	Except as permitted by FED.R.APP.P. 4(a), lack of notice by clerk does not affect time to appeal or relieve or authorize court to relieve party for failure to appeal within time allowed. FED.R.CIV.P. 77(d).
Record (Appellant)	Within 10 days after filing notice of appeal. FED.R.APP.P. 10(b).
Record (Appellee)	Within 10 days after service of appellant's order for transcript. FED.R.APP.P.10(b).
Record (costs)	At time of ordering, party to make satisfactory arrangements with reporter for payment of transcript cost. FED.R.APP.P. 10(b)(4).
Stay of proceedings to enforce judgment	Effective when supersedeas bond is approved by court. FED.R.CIV.P. 62(d)
<b>APPEAL from magistrate judge to district judge under 28 U.S.C. § 636(c)(4) and FED.R.CIV.P. 73(d)</b>	<p>Within 10 days of magistrate judge's ruling. UNIFORM LOC.R. 72.2(A)(1). Opposing party shall, within 5 days of service of notice of appeal, serve and file a response or notify district judge of intent not to respond.</p> <p>Running time of appeal is terminated as to all parties by timely filing of any of following motions and full time for appeal runs anew from entry of following orders:</p> <ul style="list-style-type: none"> <li>Granting or denying motion for judgment under FED.R.CIV.P. 50(b)</li> <li>Granting or denying motion to amend or make additional findings of fact under FED.R.CIV.P. 52(b).</li> <li>Granting or denying motion to amend or alter judgment under FED.R.CIV.P. 59.</li> <li>Denying motion for new trial under FED.R.CIV.P. 59.</li> </ul>
<b>APPEAL from magistrate judge to district judge under 28 U.S.C. §636(c)(3).</b>	Appeal to court of appeals in identical fashion as appeals from other district court judgments. FED.R.APP.P.3.1.
<b>ATTORNEY'S FEES</b>	See <i>Costs</i> , this table.
<b>TELEPHONIC CASE MANAGEMENT CONFERENCE</b>	<p>See, generally, UNIFORM LOC.R. 16.1 and FED.R.CIV. P. 16.</p> <p>Counsel are required to confer, by telephone or in person, at least 21 days prior to telephonic case management conference, regarding the</p> <p>following matters:</p> <ul style="list-style-type: none"> <li>Principal issues</li> </ul>

Identify principal factual and legal issues in dispute

Discuss principal evidentiary bases for claims and defenses.

Determine differentiated case management track (see UNIFORM LOC.R. 1.3 and 1.4), days required for trial, and ADR procedures.

Additional disclosure, motions, discovery, preparation of proposed case management order, magistrate judge consent jurisdiction, and settlement.

Within 60 days of filing first responsive pleading, or on first date thereafter on judicial officer's calendar, judicial officer will conduct telephonic case management conference under Fed.R.Civ.P. 16. UNIFORM LOC.R. 16.1(A).

Judicial officer will enter no more than 10 calendar days after telephonic case management conference. UNIFORM LOC.R. 16.1(A)(4).

File contemporaneously with filing of complaint or petition. UNIFORM LOC.R. 3.1(b).

Class plaintiff must move for class determination under FED.R.CIV.P. 23 no later than 60 days after answer is filed. Motion for enlargement of time for filing motion for class determination must be filed within initial 60-day period. UNIFORM LOC.R. 23.1.

May be corrected at any time. But during pendency of appeal, may be corrected before appeal is docketed in appellate court; thereafter, while appeal pending may be corrected only with leave of appellate court. FED.R.CIV.P.60(a)

Filing commences civil action – must be served with summons. FED.R.CIV.P. 3. Service of summons and complaint within 120 days after filing. FED.R.CIV.P. 4(m)

Exclude day of act, event or default from which time period runs; include last day of time period, unless falling on Saturday, Sunday, or legal holiday; or when act to be done is the filing of a paper in court on a day which weather or other conditions have made clerk's office inaccessible – time period runs until end

of the next day which is not one of the

## **CASE MANAGEMENT ORDER**

## **CIVIL COVER SHEET**

## **CLASS ACTIONS**

## **CLERICAL MISTAKES in judgments, orders or record**

## **COMPLAINT**

## **COMPUTATION OF TIME**

excludable days listed above. FED.R.CIV.P.

6(a) and FED.R.APP.P. 26(a).

Intermediate Saturdays, Sundays and legal holidays excluding if time period if fewer than 11 days. FED.R.CIV.P. 6(a).

Intermediate Saturdays, Sundays and legal holidays excluding if time period if fewer than 7 days. FED.R.APP.P.26(a).

Service by mail is complete upon mailing. FED.R.CIV.P. 5(b)

Service by mail or commercial carrier is complete upon mailing or delivery to commercial carrier. FED.R.APP.P. 25(c)

Service by mail adds 3 days to time period, which is computed from such service. FED.R.CIV.P. 6(e).

Legal holidays are defined by FED.R.CIV.P. 6(a) and FED.R.APP.P. 26(a)(4) and are posted.

20 days after service of notice. FED.R.CIV.P. 71A(e)

Taxation on 1 day's notice. Motion to review taxation 5 days after taxation. FED. R. CIV.P. 54(d).

Prevailing party shall serve bill of costs not later than 30 days after entry of judgment. UNIFORM LOC.R. 54.2(a).

Motion filed and served no later than 14 days after entry of judgment. FED.R.CIV.P. 54(d)(2)(B), UNIFORM LOC.R. 54.2(B)(1).

Motion filed and served no later than 10 days after entry of judgment. FED.R.CIV.P. 59(e), UNIFORM LOC. R. 54.2(B)(2)

Unless court is notified of settlement or necessity for postponement at least 1 day in advance of date trial is set to begin, then jury costs may be assessed against parties and their attorneys. UNIFORM LOC.R. 54.1(A)

See *Answer*, this table.

Motion shall be made before pleading if further pleading is permitted. FED.R.CIV.P. 12(b).

## **CONDEMNATION of property**

Answer to notice of condemnation

## **COSTS**

Attorneys' fees awarded by law as part of costs action.

Attorneys' fees sought as substantive relief

Jury Costs

## **DEFENSES AND OBJECTIONS**

By pleading

By motion

At trial	Adverse party may assert at trial any defense in law or fact to claim for relief to which party is not required to serve responsive pleading. FED.R.CIV.P.12(b)
Motion affects time for responsive pleading	Motion under FED.R.CIV.P. 12 alters time for responsive pleading. See <i>Responsive Pleadings</i> , this table.
<b>DEPOSITIONS</b>	See also <i>Interrogatories, Depositions on Written Questions</i> , this table.
Notice of filing	Depositions are not filed with clerk. Upon receipt of reporter's original transcript, discovering party becomes custodian thereof and shall forthwith file with clerk a copy of deposition cover sheet and notice that all parties of record have been notified of receipt. UNIFORM LOC. R. 5.1(B)
Notice of taking	Reasonable notice to every party. FED.R.CIV.P. 30(b).
Objections	<p>As to admissibility – may be made at trial or hearing, subject to FED.R.CIV.P. 28(b) and 32(d)(3). FED.R.CIV.P. 32(b).</p> <p>As to errors or irregularities in the notice – service promptly. FED.R.CIV.P. 32(d)(1)</p> <p>As to disqualification of officer – before deposition begins or as soon thereafter as disqualification becomes known or could be discovered. FED.R.CIV.P. 32(d)(2).</p> <p>As to competency of witness or competency, relevance, or materiality of testimony – not waived by failure to object before or during deposition unless ground might have been obviated or removed if presented at that time. FED.R.CIV.P. 32(d)(3)(A).</p> <p>As to errors and irregularities at oral deposition in manner of taking deposition, in the form of questions or answers, in the oath or affirmation, or in parties' conduct, and errors which might be obviated, removed or cured if promptly presented – seasonable objection made at taking deposition. FED.R.CIV.P. 32(d)(3)(B).</p> <p>As to form of written questions submitted under FED.R.CIV.P. 31 – service within time allowed for serving succeeding cross or other questions and within 5 days after service of last questions authorized. FED.R.CIV.P. 32(d)(3)(C).</p> <p>As to completion and return (transcription, signing, certification, sealing, etc.) – motion</p>

to suppress made with reasonable promptness after defect is or might have been ascertained. FED.R.CIV.P. 32(d)(4).

Subsequent to certification that movant has in good faith conferred with or attempted to confer with other affected parties to resolve dispute without court action. FED.R.CIV.P. 26(c)

Any time during deposition. FED.R.CIV.P. 30(d)(3).

Motion in district court upon same notice and service as if action were pending in district court. FED.R.CIV.P. 27(b).

Service and notice of petition 20 days before date of hearing. FED.R.CIV.P. 27(a)(2)

Request by party or deponent before completion of deposition. Deponent has 30 days after notice of availability of transcript or recording to review and to indicate changes. FED.R.CIV.P. 30(e).

See also, *Depositions, Interrogatories*, this table.

After parties have met and conferred to discuss their claims, defenses and possibility of settlement and to develop a proposed discovery plan under FED.R.CIV.P. 26(f). FED.R.CIV.P. 26(d).

Service within 14 days after service of notice with cross questions. Court may enlarge or shorten time. FED.R.CIV.P. 31(a)(4).

Service within 7 days after being served with cross questions. Court may enlarge or shorten time. FED.R.CIV.P. 31(1)(4).

Service with 7 days after being served with redirect questions. Court may enlarge or shorten time. FED.R.CIV.P. 31(a)(4).

Promptly. FED.R.CIV.P. 31(c).

Service within time allowed for serving succeeding cross or other questions and with 5 days after service of last questions authorized. FED.R.CIV.P. 32(d)(3)(C).

Protective Orders

Motion to terminate or limit examination

Motion to perpetuate testimony pending appeal

Motion to perpetuate testimony before action

Review of transcript or recording

#### **DEPOSITIONS ON WRITTEN QUESTIONS**

When taken

Cross questions

Redirect questions

Recross questions

Notice of filing of deposition

Objections to form

## DISCOVERY

See generally, UNIFORM LOC. R. 16.1, 26.1 and FED.R.CIV.P. 16, 26, and 34. See also, *Case Management Conference*, this table.

### Pre-discovery disclosures

In addition to disclosures required by FED.R.CIV.P. 26(a)(1), a party asserting a claim shall serve with complaint, counterclaim, cross-claim, or third party claim, and in responsive pleadings information required by UNIFORM LOC.R. 26.1(A)(1).

Parties must exchange disclosures no later than 14 days after attorney conference. UNIFORM LOC. R. 26.1(A)(1).

### Removed cases

In removed actions where no motion to remand or motion to refer the action to the bankruptcy court is filed, the attorneys and unrepresented parties shall confer as outlined above within forty days, and all other deadlines will be determined accordingly. UNIFORM LOC.R. 16.1(B)(2).

### Transfer cases

If the attorneys and unrepresented parties have not already conducted the conference required by FED. R. CIV.P. 26(f) in an action transferred to the district, the parties shall do so within fifteen days of the action's being transferred and all other deadlines will be determined accordingly. UNIFORM LOC.R. 16.1(B)(3).

### Immunity defense cases

The filing of an immunity defense motion shall stay the attorney conference and disclosure requirements and all discovery not related to the immunity issue pending the court's ruling on the motion issue, including any appeal. UNIFORM LOC.R. 16(1)(B)(4)(b).

## DISMISSAL

### For want of subject matter jurisdiction

Any time. FED.R.CIV.P. 12(h)(3).

### By plaintiff voluntarily without court order

Any time before service of answer or motion for summary judgment. FED.R.CIV.P. 41(a)(1).

### Of counterclaim, cross-claim, or third-party claim, voluntarily

Before service of responsive pleading; if none, before introduction of evidence at trial or hearing. FED.R.CIV.P. 41(c)

## ENLARGEMENT OF TIME, generally

### Act required or allowed at or within specified time by civil rules, notice thereunder, or court order

For cause shown, court may (1) with or without motion or notice order period enlarged if request is made before expiration of period prescribed or as extended by order, or (2) upon motion made after expiration of specified period permit act to be done where failure to act was result of excusable neglect.



	But court may not extend time for taking any action under FED.R.CIV.P. 50(b) and (c)(2), 52(b), 59(b), (d), and (e), and 60(b), except to extent and under conditions stated in them. FED.R.CIV.P. 6(b).
Affidavit in opposition, service	Time may be enlarged by court. FED.R.CIV.P. 6(d).
Hearing of motions and defenses	May be deferred until trial. FED.R.CIV.P. 12(d).
Mail, by service	Adds 3 days to period that is computed from time of service. FED.R.CIV.P. 6(e). See also, FED.R. APP.P. 26(c).
Injunction – temporary restraining order	Up to 10 days by order of court, or for longer period by consent of party against whom order is directed. FED.R.CIV.P. 65(b).
Response to request for admissions	Time may be enlarged or shortened by court or as the parties may agree in writing subject to FED.R.CIV.P. 29. FED.R.CIV.P. 36(a).
Motion for judgment notwithstanding verdict	No enlargement of 10-day period except to extent and under conditions stated in FED.R.CIV.P. 50(b). FED.R.CIV.P. 6(b).
Findings by court, amendment of additional filings	No enlargement of 10-day period except to extent and under conditions stated in FED.R.CIV.P. 52(b). FED.R.CIV.P. 6(b).
Motion for new trial	No enlargement of 10-day period except to extent and under conditions stated in FED.R.CIV.P. 59(b),(d), and (e). FED.R.CIV.P. 6(b).
Motion for relief from judgment or order	No enlargement of 1-year period except to extent and under conditions stated in FED.R.CIV.P. 60(b). FED.R.CIV.P. 6(b).
<b>EXECUTION</b>	
Stay	<p>Automatically: No execution to issue nor proceedings for enforcement to be taken until expiration of 10 days after entry of judgment. Exceptions – injunctions, receiverships, and patent accountings. FED.R.CIV.P. 62(a)</p> <p>Stay according to state law. FED.R.CIV.P. 62(f)</p> <p>Motion for new trial or for judgment. FED.R.CIV.P. 62(b)</p> <p>Stay in favor of government. FED.R.CIV.P. 62(e).</p> <p>Supersedeas on appeal. FED.R.CIV.P. 62(d).</p>

Stay of judgment as to multiple claims or multiple parties. FED.R.CIV.P. 62(h)

Stay of judgment pending appeal from magistrate judge to district judge. FED.R.CIV.P. 74(c).

Stay of decision of district judge for 10 days during which time party may petition for rehearing. FED.R.CIV.P. 76(b).

## **FILING PAPERS**

Complaint must be filed at commencement of action. FED.R.CIV.P. 3.

Service of summons and complaint with 120 days after filing of complaint. FED.R.CIV.P. 4(m)

Filing may be by facsimile (fax) in emergency or other compelling situations as determined by clerk. UNIFORM LOC.R. 5.2.

All papers after complaint required to be served on a party, together with certificate of service, shall be filed with court within reasonable time after service. FED.R.CIV.P. 5(d).

## **FINDINGS**

Motion to amend

10 days after entry of judgment FED.R.CIV.P. 52(b). Exception to general rule relating to enlargement. FED.R.CIV.P. 6(b).

Of master

See *References and Referees*, this table.

## **FOREIGN LAW**

Reasonable written notice required of party intending to raise issue concerning law of a foreign country. FED.R.CIV.P. 44.1.

## **HEARING OF MOTIONS**

Generally, as ordered by court. UNIFORM LOC.R. 7.2(F). See also, FED.R.CIV.P. 78.

## **HOLIDAYS**

New Year's Day  
Martin Luther King Jr. Birthday  
President's Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veterans Day  
Thanksgiving Day  
Christmas Day  
Any other day appointed as a holiday by the President, or Congress, by the State of Mississippi or order of the court.  
FED.R.CIV.P. 6(a)

Exclusion in computation of time. FED.R.CIV.P. 6(a).

## **INJUNCTION (temporary restraining order granting without notice)**

Order shall be endorsed with date and hour of issuance, filed forthwith in clerk's office

and entered of record. FED.R.CIV.P. 65(b).

Expiration within such time, not to exceed 10 days, as court fixes, unless time so fixed the order is extended for like period or, with consent of party against whom order is directed, for longer period. FED.R.CIV.P. 65(b).

Motion for preliminary injunction shall be set down for hearing at earliest possible time – takes precedence over all matters except older ones of same character. FED.R.CIV.P. 65(b).

Motion for dissolution or modification on 2 days' notice or such shorter notice as court may prescribe. Hear and determine motion as expeditiously as ends of justice require. FED.R.CIV.P. 65(b).

Special requests for instructions, and accompanying citation of authorities, shall be submitted not later than 10 days prior to date set for trial. UNIFORM LOC.R. 51.1. See also, FED.R.CIV.P. 51.

See also, *Depositions, Depositions on Written Questions*, this table.

After entry of case management plan, but before discovery cut-off date. UNIFORM LOC.R. 26.1(B).

Within 30 days after service of interrogatories. Shorter or longer time may be ordered by court or agreed by parties. FED.R.CIV.P. 33(b)(3).

Upon timely application. FED.R.CIV.P. 24(e) and (b)

Prospective intervenor shall serve motion to intervene as provided in FED.R.CIV.P. 5, FED.R.CIV.P. 24(c).

No later than 10 days after entry of judgment. FED.R.CIV.P. 59(e). Exception – See FED.R.CIV.P.6(b).

May be corrected at any time. But during pendency of appeal may be corrected before appeal is docketed in appellate court – thereafter only with leave of appellate court. FED.R.CIV.P. 60(a).

No time stated. FED.R.CIV.P. 55(b)

If party against whom default is sought has appeared, the party shall be served with

written notice of application for default judgment at least 3 days prior to hearing on

## **INSTRUCTIONS, request for**

## **INTERROGATORIES**

To parties

Answers or objections

## **INTERVENTION**

## **JUDGMENT OR ORDER**

Alter or amend judgment, motion to

Clerical mistakes

Default – entry by clerk

Default – entry by court

application. FED.R.CIV.P. 55(b).

Renewal of motion for judgment after trial	No later than 10 days after entry of judgment – exception from general rule relating to enlargement. FED.R.CIV.P. 6(b).
Effectiveness	Judgment effective only when set forth on separate document and entered per Fed.R.Civ.P. 79(a). FED.R.CIV.P.58.
Offer of Judgment	Service more than 10 days before trial begins. FED.R.CIV.P. 68.  Acceptance, written notice of – service within 10 days after service of offer. FED.R.CIV.P. 68.
On pleadings, motion for judgment	After pleadings are closed but within such time as not to delay trial. FED.R.CIV.P. 12(c).
Relief from, on grounds under FED.R.CIV.P. 60(b)	Motion within reasonable time and not more than 1 year after judgment or order entered, for following grounds: (i) mistake, inadvertence, surprise or excusable neglect; (ii) newly discovered evidence; (iii) fraud, misrepresentation, or other misconduct. FED.R.CIV.P. 60(b). Exception from general rule relating to enlargement. FED.R.CIV.P. 60(b)  Motion within reasonable time for following grounds: (i) judgment void; (ii) judgment satisfied, released, or discharged, (iii) prior underlying judgment reversed or otherwise vacated; (iv) no longer equitable that judgment have prospective application; (v) any other reason justifying relief. FED.R.CIV.P. 60(b). Exception from general rule relating to enlargement. FED.R.CIV.P. 6(b).
Stay	See <i>Execution</i> , this table.
Summary judgment	See <i>Summary Judgment</i> , this table.
<b>JURY INSTRUCTIONS</b>	Special requests for instructions, and accompanying citation of authorities, shall be submitted not later than 10 days prior to date set for trial. UNIFORM LOC.R. 38.1.
<b>JURY TRIAL</b>	
Demand	Service any time after commencement of action and not later than 10 days after service of last pleading directed to triable issues(s) . UNIFORM LOC.R. 51.1.
Removed actions	If at the time of removal all necessary pleadings have been served, demand for jury trial may be served:  By petitioner – 10 days after removal petition is filed.  By any other party – within 10 days

after service on party of the  
notice of filing the petition.  
FED.R.CIV.P. 81.(c).

Demand after removal not necessary in  
either of two instances:

Prior to removal, party has made  
express demand in accordance with  
state law.

State law does not require express  
demands and court does not direct  
otherwise. FED.R.CIV.P. 81(c).

See *Holidays*, this table.

Consent in civil matter may be entered at  
any time. UNIFORM LOC.R. 72.5

Consent in civil matter may be entered at  
any time. UNIFORM LOC.R. 72.5.

10 days after service. Thereafter, within 5  
days of service opposing party shall file  
response or notify district judge he or she  
will not respond to objections. UNIFORM  
LOC.R. 72.2(D)

Service by mail adds 3 days to a period  
computed from time of service. FED.R.CIV.P.  
6(e).

See *References and Referees*, this table.

Must be furnished within 10 days after notice  
of order or other time fixed by court or court  
may strike pleading. FED.R.CIV.P. 12(e).

Must be made before responsive pleading is  
interposed. FED.R.CIV.P. 12(e).

At time motion is served – excluding motions  
or applications that may be heard ex parte –  
movant shall mail to judge original and one  
copy of a memorandum of authorities relied  
upon. Counsel-opposite shall submit original  
and one copy of memorandum of authorities  
in reply within 10 days after service of  
movant's memorandum. Counsel for movant  
may serve

rebuttal memorandum within 5 days of

## **LEGAL HOLIDAYS**

## **MAGISTRATE JUDGES**

Trial by consent

Pretrial matters

Objections to report and  
recommendations

## **MAIL**

## **MASTERS**

## **MORE DEFINITE STATEMENT**

Furnished

Motion for

## **MOTIONS, NOTICES AND AFFIDAVITS**

In general

service of respondent's memorandum.

UNIFORM LOC.R. 7.2(D).

Pleading, written motion, or other paper not signed by attorney or party shall be stricken unless omission of signature is corrected promptly after being called to attention of attorney or party. FED.R.CIV.P. 11(a).

Motion shall be filed not later than 10 days after entry of judgment. FED.R.CIV.P. 59(b). Exception from general rule relating to enlargement. FED.R.CIV.P. 6(b). If motion based on affidavits, they must be filed with motion. FED.R.CIV.P. 59(c).

Shall be filed within 10 days of service of motion for new trial; period may be extend for up to 20 days either by court or for good cause shown or by parties by written stipulation. FED.R.CIV.P. 59(c).

Not later than 10 days after entry of judgment, court may order new trial for any reason that would justify granting one on a party's motion. FED.R.CIV.P. 59(d). Exception to general rule relating to enlargement. FED.R.CIV.P. 6(b).

After giving parties notice and opportunity to be heard, court may grant a timely motion for new trial for reason not stated in motion. FED.R.CIV.P. 59(d). Exception to general rule relating to enlargement. FED.R.CIV.P. 6(b).

Party against whom judgment as a matter of law is rendered shall file a motion for a new trial under FED.R.CIV.P. 59 no later than 10 days after entry of judgment. FED.R.CIV.P. 50(c)(2).

At time ruling or order is made or sought. If party has no opportunity to object to ruling or order at time it is made, absence of objection does not thereafter prejudice the party. FED.R.CIV.P. 46.

10 days after service. Thereafter, within 5 days of service opposing party shall file response or notify district judge he or she will not respond to objections. UNIFORM LOC.R. 72.2(D)

Must be served more than 10 days before trial. FED.R.CIV.P. 68. Acceptance must be served within 10 days after service of offer. FED.R.CIV.P. 68.

## **NEW TRIAL**

Motion and affidavits

Opposing affidavits

Initiative of court

Judgment as a matter of law

## **OBJECTIONS TO ORDERS AND RULINGS OF COURT**

Pretrial matters referred to  
magistrate judge

## **OFFER OF JUDGMENT**

## **PLEADINGS**

### **Amendment of**

Once as a matter of course before responsive pleading service or within 20 days if no response is permitted and action has not been

placed on trial calendar. FED.R.CIV.P. 15(a).

By leave of court or written consent of adverse parties, at any time. FED.R.CIV.P. 15(a)

During trial or after judgment to conform to evidence or to raise issues not raised in pleadings, but tried by express or implied consent. FED.R.CIV.P. 15(b).

### **Supplemental**

Upon motion of party – court may upon reasonable notice permit service of supplemental pleading setting forth transactions, etc., which have happened since date pleading sought to be supplemented. FED.R.CIV.P. 15(d)

Adverse party plead to supplemental pleading – if court deems advisable, it shall so order, specifying time therefor. FED.R.CIV.P. 15(d).

### **Averments of time**

Such averments are material and shall be considered like all other averments of material matter. FED.R.CIV.P. 9(f).

### **Judgment on, motion for**

After pleadings are closed but within such time as not to delay trial. FED.R.CIV.P. 12(c).

### **Striking of matter from**

Motion made before responding to a pleading or, if no responsive pleading permitted, within 20 days after service of pleading. FED.R.CIV.P. 12(f).

On court's own initiative at any time. FED.R.CIV.P. 12(f).

### **Signing of**

Pleading, written motion or other paper not signed by attorney or party shall be stricken unless omission of signature is corrected promptly after being called to attention of attorney or party. FED.R.CIV.P. 11(a).

## **PRETRIAL CONFERENCE**

As scheduled by court. UNIFORM LOC.R. 16.2.

## **PRODUCTION OF DOCUMENTS**

### **Request for, service of**

Without leave of court or written stipulation, request may not be served before parties have met and conferred under FED.R.CIV.P. 26(f). FED.R.CIV.P. 34(b).

May accompany notice of taking deposition. FED.R.CIV.P. 30(b)(5)

Response to request	Within 30 days after service of the request. A shorter or longer time may be directed by court or agreed to. FED.R.CIV.P. 34(b).
Time of inspection	The request shall specify a reasonable time. FED.R.CIV.P. 34(b)
Subpoena	See <i>Subpoena</i> , this table.
<b>REFERENCES AND REFEREES</b>	
Order of reference	When reference is made, clerk shall forthwith furnish master with copy of order. FED.R.CIV.P. 53(d)(1).
Hearings before master	Time for beginning and closing the hearings, as fixed by order of reference. FED.R.CIV.P. 53(c)
Meetings	First meeting of parties or attorneys to be held within 20 days after date of order of reference. FED.R.CIV.P. 53(d)(1). Upon receipt of order of reference, unless order otherwise provides, master shall forthwith set time and place for such meeting and notify parties or their attorneys. FED.R.CIV.P. 53(d)(1).  Speed – either party, on notice to parties and master, may apply to court for order requiring master to speed the proceedings and make report. FED.R.CIV.P. 53(d)(1).  Failure of party to appear at appointed time and place – master may proceed <i>ex parte</i> or adjourn to future day, giving notice to absent party of adjournment. FED.R.CIV.P. 53(d)(1).
Report of master	Filing of, time as fixed in order of reference. Master shall serve on all parties notice of the filing. FED.R.CIV.P. 53(e)(1). Master, unless otherwise directed by the order of reference, shall serve a copy of the report on each party. FED.R.CIV.P. 53(e)(1).  Objections (in non-jury actions) may be served within 10 days after being served with notice of filing of report. FED.R.CIV.P. 53(e)(2)  Court action on report and objects thereto – application (in non-jury actions) for such action shall be by motion and upon notice as prescribed in FED.R.CIV.P. 6(d). FED.R.CIV.P. 53(e)(2).  Speed – either party, on notice to parties and master, may apply to court for order requiring master to speed the proceedings and make report. FED.R.CIV.P. 53(d)(1).



**REHEARING**

Petition for rehearing

Must be filed within 14 days after entry of judgment unless time is shortened or enlarged by order or local rule. In civil actions in which United States is a party, time within which any party may seek rehearing is 45 days after entry of judgment unless otherwise shortened or enlarged. FED.R.APP.P. 40(a).

Issuance of mandate

Mandate must issue 7 days after expiration of time for filing rehearing petition. Timely filing of rehearing petition stays mandate until disposition of the petition unless otherwise ordered by the court. If petition is denied, mandate must issue 7 days after entry of denial order. FED.R.APP.P. 41(b) and FED.R. APP.P. 41(d)(1).

**REMOVED ACTIONS**

Answers and defenses

Within 20 days after receipt through service or otherwise of a copy of the initial pleading setting forth the claim for relief upon which the action or proceeding is based, or within 20 days after service of summons upon such initial pleading, then filed, or within 5 days after filing of the petition for removal, whichever period is longest. FED.R.CIV.P. 81(c).

Demand for jury trial

Demand after removal not necessary if: (i) prior to removal, party has made express demand in accordance with state law; (ii) state law does not require express demands and court does not direct otherwise. FED.R.CIV.P. 81(c). See also, UNIFORM LOC.R. 38.1 and MISS.R.CIV.P. 38.

Notice of removal

Within 30 days after receipt through service or otherwise of a copy of the initial pleading stating the claim for relief upon which the action or proceeding is based, or within 30 days after service of summons if such initial pleading has then been filed in court and is not required to be served on defendant, whichever period is shorter. 28 U.S.C. §1446(b).

If the action stated by the initial pleading is not removable, a notice of removal may be filed within 30 days after receipt by defendant of a copy of an amended pleading, motion, order, or other paper from which it may first be ascertained that the case is one which is or has become removable. 28 U.S.C. §1446(b).

An action may not be removed on the basis of jurisdiction conferred by 28 U.S.C. §1332 more than one year after action is commenced. 28 U.S.C. §1446(b).

**REPLY**

To answer or third-party answer

See also, *Responsive Pleadings*, this table.

Only if ordered by court. FED.R.CIV.P. 7(a). Service within 20 days after service of order unless order otherwise directs. FED.R.CIV.P. 12(a).

To counterclaim

Service within 20 days after service of answer. FED.R.CIV.P. 12(a).

Alteration of time by service of FED.R.CIV.P. 12 motion.

See *Responsive Pleadings*, this table.

**RESPONSIVE PLEADINGS**

See also, *Answer, Reply*, this table.

To amend pleading

Within 10 days after service of amended pleading or within time remaining for response to original pleading, whichever is longer, unless court otherwise orders. FED.R.CIV.P. 15(a).

To supplemental pleading

As ordered by court. FED.R.CIV.P. 15(d).

Alteration of time by service of FED.R.CIV.P. 12 motion

Service of motion permitted under FED.R.CIV.P. 12 alters time for responsive pleadings as follows, unless different time fixed by court:

1. If court denies motion, service of responsive pleading within 10 days after notice of denial.
2. If court postpones disposition until trial on merits, service of responsive pleading within 10 days after notice of postponement.
3. If court grants motion for more definite statement, service of responsive pleading within 10 days after service of the more definite statement.

**RESTRAINING ORDER, TEMPORARY, WITHOUT NOTICE**

See *Injunction*, this table.

**RETURN**

Court may allow a summons or proof of service to be amended. FED.R.CIV.P. 4(a) and (l).

The person effecting service shall make proof thereof to the court. FED.R.CIV.P. 4(l).

**SANCTIONS**

Presentation to court of a pleading, written motion, or other paper is a certification under FED.R.CIV.P. 11(b). If, after notice and reasonable opportunity to respond, the court determines that FED.R.CIV.P. 11(b) was violated, sanctions may be imposed by a motion for sanctions, which shall not be filed or presented to the court unless, within 21 days after service of the motion, the challenged matter is not withdrawn or corrected. FED.R.CIV.P. 11(c). Sanctions are

inapplicable to discovery. FED.R.CIV.P. 11(d).

And see UNIFORM LOC.R. 37.1(c): Failure to abide UNIFORM LOCAL RULES controlling discovery practices will subject offender to sanctions.

See also, UNIFORM LOC.R. 83.1(C)(1): Court may, after 30 days notice an opportunity to show cause to the contrary, and after hearing, if requested, censure or reprimand attorney for failure to comply with UNIFORM LOCAL RULES, the MISSISSIPPI RULES OF PROFESSIONAL CONDUCT, or any rule of court.

#### **SATURDAYS AND SUNDAYS**

Exclusion in computation of time.  
FED.R.CIV.P. 6(a). FED.R.APP.P. 26(a).

#### **STAY OR SUPERSEDEAS**

See *Appeal, Execution*, this table.

#### **SUBPOENA**

Objection

Within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, there be served upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. FED.R.CIV.P. 45(c)(2)(B).

Motion to compel production

If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. FED.R.CIV.P. 45(c)(2)(B).

Motion to quash

Court from which a subpoena issued may quash or modify the subpoena on timely motion. FED.R.CIV.P. 45(c)(3)(A).

Witnesses, documentary evidence, etc.

Subpoena specifies time for attendance and giving of testimony or to produce and permit inspection and copying of designated books, documents, or tangible things in the possession, custody or control of that person or to permit inspection of premises. FED.R.CIV.P. 45(a)(1)(C).

#### **SUBSTITUTION OF PARTIES**

In cases of death, incompetency, or transfer of interest – motion for substitution, together with notice of hearing, served on parties as provided in FED.R.CIV.P. 5 and upon persons not parties in manner provided in FED.R.CIV.P. 4 for service of summons. FED.R.CIV.P. 25(a), (b), (c).

Dismissal as to deceased party unless motion for substitution is made not later than 90 days after death is suggested upon the record. FED.R.CIV.P. 25(a).

Successor of public officer substituted automatically. Order of substitution may be entered at any time. FED.R.CIV.P. 25(d).

**SUMMARY JUDGMENT, motion for**  
Claimant

May move at any time after expiration of 20 days from commencement of action or after service of motion for summary judgment by adverse party. FED.R.CIV.P. 56(a).

Defending party

May move at any time. FED.R.CIV.P. 56(b).

Service

Service of motion at least 10 days before time fixed for hearing. FED.R.CIV.P. 56(c).

Service of opposing affidavits prior to day of hearing. FED.R.CIV.P. 56(c).

**SUMMONS**

Served with copy of complaint. FED.R.CIV.P. 4(c)(1). See also UNIFORM LOC. R. 4.1. If not served within 120 days after filing complaint, court may dismiss action without prejudice, direct service be effected within a specified time, or extend time for service. FED.R.CIV.P. 4(m).

Person effecting service shall make proof thereof to the court. FED.R.CIV.P. 4(l).

Service by a nonparty at least 18, a U.S. Marshal, deputy U.S. Marshal, or other person or officer specially appointed. FED.R.CIV.P. 4(c)(2). Unless otherwise ordered by court, United States Marshal will not serve process in civil actions except government process, process in *in forma pauperis* cases, and writs of seizure and executions of judgments. UNIFORM LOC.R. 4.1(B).

**SUPPLEMENTAL PLEADINGS**

See, *Pleadings*, this table.

**SUPERSEDEAS OR STAY**

See, *Appeal, Execution*, this table.

**THIRD-PARTY PRACTICE**

Third-party plaintiff need not obtain leave if third-party defendant files third-party complaint not later than 10 days after serving the original answer. Otherwise, must obtain leave on motion upon notice to all parties to action. FED.R.CIV.P. 14(a).

**VERDICT**

Renewal of motion for judgment after trial

No later than 10 days after entry of judgment, motion for judgment as a matter of law may be renewed by filing the motion where motion made at the close of all the evidence is denied or for any reason is not granted. FED.R.CIV.P. 50(b).

New trial when judgment as matter of law rendered

Party against whom judgment as matter of law is rendered shall move for a new trial pursuant to FED.R.CIV.P. 59 no later than 10 days after entry of judgment. FED.R.CIV.P. 50(c)(2).